

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ARKANSAS
DIVISION NO. 5th

LOUIS ROSS,

PLAINTIFF

v.

Case No. CV-2013-175-5

UNION PACIFIC RAILROAD COMPANY
AND JOHN DOE,
NAME AND ADDRESS UNKNOWN,

DEFENDANTS

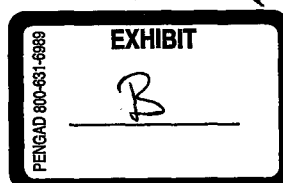
SERVE DEFENDANT UNION PACIFIC AT:

The Corporation Company
124 West Capitol Avenue, Suite 1900
Little Rock, Arkansas 72201

COMPLAINT

COMES NOW Plaintiff Louis Ross, by and through his attorneys Schlichter, Bogard & Denton, and for his Complaint against Defendant Union Pacific Railroad Company and Defendant John Doe states as follows:

1. This action for personal injuries and damages suffered by Plaintiff Louis Ross arises out of the malfunctioning of a Union Pacific Railroad Company mechanical crossing guard arm on July 19, 2011 in Pine Bluff, Arkansas.
2. At all relevant times, Plaintiff Louis Ross has been a resident of Jefferson County, Arkansas.
3. Defendant Union Pacific Railroad Company is a corporation duly organized and existing under the law. Defendant is engaged in the business of operating a railway system in interstate commerce and in the transportation of freight by railroad in interstate commerce in Jefferson County and the State of Arkansas.



FILED IN MY OFFICE AND SUMMONS
ISSUED AT 11:15 O'CLOCK AM
APR - 5 2013 DATE
LAFAYETTE WOODS, SR., CLERK
[Signature]

4. Defendant John Doe, whose name and address are unknown and could not be discovered through reasonable effort, is an unknown manager employed by Defendant Union Pacific and is responsible for maintaining the proper functioning of the subject crossing guard. Upon information and belief, Defendant John Doe is a resident of the state of Arkansas.

5. On July 19, 2011, Louis Ross was traveling westbound on West 17th Avenue in Pine Bluff, Arkansas, at or near the intersection with Defendant Union Pacific's railroad crossing when the railroad crossing arm came down on his vehicle, causing Plaintiff to sustain injuries and damage to his vehicle.

6. Defendants, individually or by and through their agent(s), employee(s), servant(s), and or representative(s), were negligent on the aforementioned date/time/location, in one or more of the following respects:

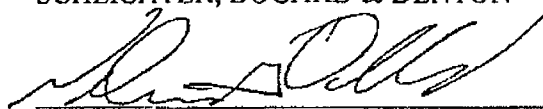
- a. They failed to use reasonable care to make the railroad crossing safe to prevent injury to Plaintiff;
- b. They failed to properly secure, inspect, and maintain its railroad crossing guard and railroad guard arm;
- c. Their improperly inspected and maintained railroad crossing, railroad crossing guard, and railroad crossing guard arm presented a dangerous condition that involved unreasonable risk of injury to Plaintiff;
- d. Defendants knew or should have known of this dangerous condition, and they failed to use reasonable care to maintain, remove, or warn Plaintiff of the dangerous condition, which a reasonably careful person would have done under circumstances similar to those shown by the evidence in this case.

7. As a proximate cause of Defendants' negligence, Plaintiff suffered injuries to his back and spine; he has sustained injuries to the soft tissues, ligaments, tendons, muscles, blood vessels of his back and spine; he has been caused to undergo severe pain and suffering; he has sought and received medical care and attention and will continue to receive medical care and attention; he has suffered psychological and emotional injury, mental anguish and anxiety and

will continue to suffer psychological and emotional injury, mental anguish and anxiety in the future; he has incurred medical expenses and will in the future; all to his damage.

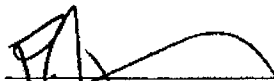
WHEREFORE, Plaintiff Louis Ross prays for judgment against Defendant Union Pacific Railroad Company and Defendant John Doe in a sum which is fair and reasonable, which sum is in excess of \$75,000.00, plus cost of suit incurred.

SCHLICHTER, BOGARD & DENTON



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PLAINTIFF REQUESTS TRIAL BY JURY